

September 17, 2010

Lieutenant General Robert Van Antwerp
Chief of Engineers
U.S. Army Corps of Engineers
441 G Street NW
Washington, DC 20314-1000

RE: U.S. Army Corps of Engineers' Final Decision on the Matter of Variance from Vegetation Standards for
Levees and Floodwalls

Dear Lieutenant General Van Antwerp:

I am writing in reference to the critically important decision by the U.S. Army Corps of Engineers (Corps) anticipated by the end of October 2010 regarding the standards for the management of vegetation on levees and floodwalls. On behalf of the Puget Sound Partnership, I respectfully request that the Corps' final decision support the effective management of levees in Puget Sound through a regional variance from the national standard.

The Puget Sound Partnership is an agency of the State of Washington charged with the mission to recover Puget Sound by the year 2020. We work collaboratively within an institutional setting that welcomes and encompasses the partnership of citizens, governments, agencies, businesses, and non-governmental organizations toward achieving the recovery of Puget Sound. The Corps is among our key federal agency partners in this recovery effort.

The management of floodplains, and the landscape and flood control structures within them, is a key interest of the Puget Sound region as we work toward Puget Sound recovery. Floodplains in Puget Sound support a number of uses and ecosystem services that reflect the fundamental values of our community and are embedded in our recovery goals. It will be difficult, if not impossible, to achieve the recovery of Puget Sound if our floodplains, and the hundreds of miles of levees within them, are not managed in a way that aligns with recovery.

In the context of our recovery efforts, the Corps' February 9, 2010 proposal (Docket No. COE-2010-0007) to revise its policy regarding variance from the national standard for managing vegetation on levees is troubling. The proposed rule undermines our recovery efforts. As a result we have requested that the Corps work with the Puget Sound region to create and implement a regionally appropriate, scientifically sound approach to levee vegetation management. Our perspective on the rule is captured in a comment letter a number of Puget Sound and Washington entities together provided the Corps in opposition to its February proposal. I have provided this letter for reference as your agency progresses toward a final decision.

It is possible to have safe, effective levees, including the necessary access for evaluation and maintenance, while providing habitat features critical for the ecological integrity of riparian areas in leveed reaches. Together, we can create a management approach that guides implementers toward these outcomes. The fundamental hydrologic, hydraulic, and ecological processes at work in our watersheds make the rivers and

floodplains of this region unique from those in other regions of the country. Therefore the Corps' guidelines governing the management of hundreds of miles of levees in our watersheds should directly account for these processes.

The importance to leaders in this region of a constructive resolution to this problem cannot be overstated. On June 7, 2010 members of Washington state's Congressional delegation expressed their concern about the ongoing conflict and advocated strongly for swift, collaborative action by the Corps. I appreciate and support their call for work by the Corps and regional decision-makers to achieve a constructive solution. I have attached the delegation's letter to Ms. Jo-Ellen Darcy for your reference.

I was encouraged by the August 5, 2010 letter addressed to you by the Pacific Northwest federal executives in regard to the levee vegetation management matter at hand; this letter is attached for your reference. The proposal presented in that letter represents a welcome shift in the federal approach to this matter. The "regional framework" path presented in the letter accounts for factors of scientific focus, time, and effort that must be addressed to create a levee vegetation management approach appropriate for the Puget Sound region. There is widespread support for the general approach outlined in the August 5, 2010 letter. Leaders in our area are willing to work with the federal agencies to advance it toward implementation.

In this context, I urge the Corps to incorporate into its final decision and include in the related Federal Register notice explicit recognition that the Puget Sound region is enabled to secure a regional variance to the national standard for the management of vegetation on levees. This recognition should explicitly reference the "regional framework" approach outlined in the August 5 federal executives' letter as the basis for agreeing upon and implementing the process for the Puget Sound region that will generate the substance of the regional variance. This will enable this region, working in close collaboration with the Corps, to create and implement a management approach for levee vegetation that effectively addresses interests in public safety and the ecological health of our riparian zones, watersheds, and Puget Sound.

I look forward to having your leadership in establishing a vegetation management approach that ends the current practice of cutting down hundreds of riverside trees every year – impacting riparian habitats and requiring substantial and unnecessary expenditures by local levee sponsors - and that aligns levee vegetation management standards and the Endangered Species Act so that local jurisdictions no longer bear the brunt of the conflict between them.

Working collaboratively with the Corps in the future is critical in addressing this issue and to continuing our shared work to recover Puget Sound. I am ready to engage the support of the Puget Sound Partnership toward reaching a constructive resolution. Please feel free to contact me at (360) 464-1231 if you have any questions regarding this matter.

Sincerely,



David D. Dicks
Executive Director

Enclosures:

1. March 12, 2010 regional comment letter re: levee vegetation standards
2. June 7, 2010 letter from the Washington state delegation to Ms. Jo-Ellen Darcy
3. August 5, 2010 letter from Pacific Northwest federal executives to respective agency headquarters

cc: Governor Christine Gregoire
Senator Patty Murray
Senator Maria Cantwell
Representative Norm Dicks
Representative Jay Inslee
Representative Adam Smith
Representative Dave Reichert
Representative Rick Larsen
Representative Jim McDermott
Mr. Gary Locke, Secretary of Commerce
Ms. Jo-Ellen Darcy, Assistant Secretary of the Army (Civil Works)
Mr. Rowan Gould, Acting Director, US Fish and Wildlife Service
Dr. Jane Lubchenco, Administrator, National Oceanic and Atmospheric Administration
Mr. William Stelle, Regional Administrator – Northwest Region, NOAA/NMFS
Ms. Robyn Thorson, Regional Director – Pacific Region, US Fish and Wildlife Service
Mr. Billy Frank, Executive Director, Northwest Indian Fisheries Commission
Ms. Martha Kongsgaard, Chair, Puget Sound Partnership Leadership Council
Mr. Phil Anderson, Director, Washington Department of Fish and Wildlife
Mr. Ted Sturdevant, Director, Washington Department of Ecology